**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.16801 of 2007**

**Dt:07.08.2007**

Between:

A.Ravi.

.. Petitioner

and

Regional Transport Authority and another.

.. Respondents

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.16801 OF 2007**

**ORDER:**

The vehicle of the petitioner bearing No.AP 03 V 7351 was seized on 26.07.2007, on the grounds that it was overloaded and that the petitioner failed to produce the necessary documents in relation to it. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for the respondents.

A perusal of the Vehicle Check Report, dated 26.07.2007, discloses that the petitioner did not produce the driving licence and other records and that the vehicle was overloaded. Certain other lapses were also pointed

out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that-

a) the vehicle of the petitioner bearing No.AP 03 V 7351, shall be released, on his depositing a sum of Rs.10,000/- (Rupees Ten Thousand Only);

b) the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required;

c) the petitioner shall be not entitled to ply the

vehicle, unless the arrears of tax, if any, are paid; and

d) in case, the vehicle of the petitioner is found to have been overloaded once again, the permit itself shall be liable to be cancelled.

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**07.08.2007**

Note: Issue C.C. today.

(B/o)

**JSU**